

BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD

BYELAWS 1985

(Please note that the 1976 Land Drainage Act has been superseded by the 1991 Land Drainage Act)

The Minister of Agriculture, Fisheries and Food in pursuance of the powers conferred upon him by Section 34 of, and paragraph 6 of Schedule 4 to, the Land Drainage Act 1976, **HEREBY CONFIRMS** these Byelaws

IN WITNESS whereof the Official Seal of
The Minister of Agriculture, Fisheries and
Food is hereunto affixed on twenty fourth
September nineteen hundred and eighty
seven

R C McKINLEY
Authorised by the Minister

I hereby certify this to be a true copy

R C McKINLEY
Authorised by the Minister

**BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD
LAND DRAINAGE ACT 1976**

**BYELAWS
1985**

The Bedfordshire and River Ivel Internal Drainage Board under and by virtue of the powers and authority vested in them by Section 34 of the Land Drainage Act 1976, do make the following byelaws which they consider necessary for securing the efficient working of the drainage system in their District:-

1	These byelaws shall come into operation at the expiration of one month beginning with the date on which they are confirmed by the Minister	Title and date of operation
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2	In these Byelaws, unless the context otherwise requires, the terms used shall have the same meanings as are assigned to them in the Land Drainage Act 1976 and the following works and expressions shall have the meanings hereby respectively assigned to them that is to say:-	Interpretation
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“The Act” means the Land Drainage Act 1976;

“Animal” includes any horse, ass mule, cattle, sheep, goat, swine, deer, goose or other poultry;

“Bank” includes any bank, wall, cross bank or embankment adjoining or confining or constructed for the purpose of land between the bank and the low water mark or level of the water in the watercourse, as the case may be and, where there is no such bank wall cross bank or embankment includes the top edge of the batter enclosing the watercourse;

“Board” means the Bedfordshire & River Ivel Internal Drainage Board;

“Consent” means the consent in writing signed by an officer of the Board;

“District” means the area under the jurisdiction of the Board;

“Flood Plain” includes land adjacent to the normal channel of a watercourse over which flood water may spread or flow;

“Local Authority” means the Council of any county or district;

“The Minister” means the Minister of Agriculture, Fisheries and Food;

“Occupier” means, in the case of land not occupied by a tenant, the person entitled to the occupation thereof;

“Watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers under the control of a local authority within the meaning of the Public Health Act 1936)

and passages through which water flows.

Applicati on	3 The Byelaws shall have effect within the Internal Drainage District.
Definition	4 The Watercourses referred to in these Byelaws (except Byelaws 6 and 12) are watercourses which are for the time being vested in or under the control of the Board
Introductio of water	5 No person shall, without the previous consent of the Board, by means of any channel syphon pipeline or sluice or by any other means whatsoever, introduce any water into the district or, whether directly or indirectly, increase the flow of volume of water in any watercourse in the District.
Control of valves, sluices, weirs etc	<p>6 Any person having control of any valve, sluice, sluicgate, weir, dam, pump, pumping machinery, structure or appliance for controlling or regulating or affecting the flow of water in, into or out of any watercourse or ditch shall:-</p> <p>(1) use such valve, sluice, sluicgate, weir, dam, pump, pumping machinery, structure or appliance in accordance with such reasonable directions as may from time to time be given by the Board with a view to the prevention of flooding or any shortage in the flow or supply of water and to the efficient working of the drainage system of the District;</p> <p>(2) Maintain such valve, sluice, sluicgate, weir, dam, pump, pumping machinery, structure or appliance in a proper state of repair and efficiency to the satisfaction of the Board;</p> <p>Nothing in this Byelaw shall be deemed to render unlawful the maintenance or use of any efficient head of water at such levels and for the purposes for which such head might lawfully have been maintained or used immediately before the passing of the Act.</p>
Interferenc e with valves, sluices, weirs etc	7 No person shall without lawful authority or excuse, interfere with any valve, sluice, sluicgate, weir, dam, pump, pumping machinery or any structure or appliance for controlling or regulating the flow of water in, into or out of any watercourse or for drawing water from or delivering water into any watercourse.
Interferenc	8 Subject to the proviso at Byelaw 6 no person shall

e with divert, impede or alter the level of or direction of the
level or flow of water in, into or out of any watercourse
flow of without the previous consent of the Board.
water

Obstruction of flow, damage to bank by discharge or deposit of materials, or trees etc

9 No person shall without the consent of the Board:-

(a) Discharge or put or cause or permit or knowingly suffer to be discharged or put or to fall or flow into the watercourse any gravel, stones, bricks, earth, mud, ashes, dirt, soil, tines, wire, bottles, plastics, animal carcasses, rubbish or any object or matter of any kind whatsoever whether solid or liquid;

(b) put or cause or permit or knowingly suffer to be put or wilfully cause or permit to fall into the watercourse any tree or trunk or branch or part of a tree or any timber or wreck, debris, willows, shrubs, weeds, grasses, reeds rushes or vegetable growths or any object or matter whatsoever ;

(c) erect or place in the watercourse any stake, post, fish, fishing rack, pen or enclosure for birds or fish;

(d) allow any such object, matter or thing as is referred to in sub-paragraphs (a) (b) and (c) of this Byelaw to remain in proximity to the water in such a manner as to render the same liable to drift or be carried into the watercourse in time of flood; provided however that nothing in this Byelaw shall be deemed to render unlawful the maintenance or use of any fish weir, fishing rack, pen or enclosure for fish or eels which might lawfully have been maintained or used immediately before the passing of the Act;

(e) allow such object, matter or thing as referred to in sub-paragraphs (a) (b) and (c) to remain in a watercourse for any length of time as may in the opinion of the Board be the cause of damage to a watercourse or banks. Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

10 The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair:-

Repairs to buildings

(i) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or

ii) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse

carry out such reasonable and practicable works, as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

Obstruction in Flood Plain

11 No person shall in the flood plain of any watercourse without the previous consent of the Board construct, erect or form or cause to be constructed, erected or formed, any structure or deposit or cause to be deposited any material or form or cause to be formed any heap of materials, which is or are of such a size or nature or is or are placed in such a position or positions as to be likely to divert or obstruct the flow of water in the flood plain and to affect adversely the efficient drainage of the floodplain or any part or parts of the Board's area.

Provided that:-

(a) the foregoing provisions of this Byelaw shall not apply to temporary works constructed in an emergency provided that notice thereof shall forthwith be given in writing to the Board and that the works are removed if so requested by and in accordance with the requirements of the Board;

(b) such consent shall not be required in relation to any constriction, erection, deposit or formation as aforesaid in respect of which planning permission has been granted by the local Planning Authority or by the Secretary of State for the Environment or an application on that behalf made to the local Planning Authority;

(c) Such consent shall not be required in relation to the making of hay and straw stacks, sugar beet, potato and other clamps and manure heaps and the like in the ordinary course of accepted agricultural practice but without prejudice to the provision of Byelaw 18

Cutting of trees, grasses etc

12 The person having control of any watercourse shall upon receipt of a written request by the Board and within such reasonable time as may be therein specified cut all trees, willows, hedges shrubs or other vegetable growths growing in or on the bank of such watercourse, and shall remove such trees, willows, hedges, shrubs or other vegetable growths immediately after the cutting thereof. Provided that where there is a hedge growing on the bank of a watercourse nothing in this Byelaw shall extend to require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse

and the removal of the resultant cutting.

Provided that such specified work shall be:

(a) necessary to facilitate the free passage of water within the channel of the watercourse and/or

(b) necessary for access of the Board's plant and for the deposit of spoil as allowed by section 33 of the Land Drainage Act 1976 and only requested when the Board propose within twelve months from the date of service of the notice to undertake works on the watercourse or watercourses which are the subject of the notice.

13 No person without the previous consent of the Board shall plant any tree shrubs, willow or any similar growth on the land lying between the watercourse and a line measured on the landward side of the watercourse at a distance of seven metres from and parallel to the foot on the landward side of any embankment, if there is no such embankment, at a distance of seven metres from and parallel to the batter enclosing the watercourse. Planting trees, shrubs etc on banks

14 All persons using or causing or knowingly suffering to be used any bank for the purpose of grazing or keeping any animal thereon shall take such steps as are necessary and reasonably practicable to prevent the bank from being damaged by such use; Grazing or keeping animals on banks

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of any animal drinking place which is in existence with the approval of the Board at the date when these Byelaws come into operation or which thereafter be made or constructed with the approval of the Board.

15 No person shall use or drive or permit or cause to be used or driven any vehicle of any kind whatsoever or ride any horse on, over or along any bank in such manner as to cause damage or to endanger the stability of such bank. Vehicles or horses on banks

16 No person shall without the previous consent of the Board:- Erections, excavations etc affecting bed

(a) erect or construct or cause or knowingly suffer to be erected or constructed any fence, post, pole, pylon, wall, wharf, jetty, pier, quay, loading stage, piling, groyne, revetment, animal drinking place, boat slipway or any other building or structure whatsoever in or over any watercourse or in or on any land lying between the watercourse and a line measured on the landward side of the watercourse at a distance of seven metres from and parallel to the foot on the or banks or watercourses

landward side of any embankment or is there is no such embankment at a distance of seven metres from and parallel to the top of the batter enclosing the watercourse;

(b) make or cut or cause or knowingly suffer to be made or cut any excavation or any tunnel, soakditch or any drain, culvert or other passage for water or liquid of any kind whatsoever or in, over or through any bank or within seven metres of any bank;

(c) place or affix or cause or knowingly suffer to be placed or affixed any gas or water main or any pipe whatsoever or any electric main or cable or wire ion, under or over the watercourse or in, under or through any bank or within seven metres of any bank.

Provided that the foregoing provisions of this Byelaw shall not apply to temporary works constructed in an emergency, provided that notice thereof shall forthwith be given in writing to the Drainage Board and that the works are removed if so requested by, and in accordance with the requirements of the Drainage Board.

Dredging and taking material from watercourse bed 17 No person shall dredge or raise or take or cause or knowingly suffer to be dredged or raised or taken any gravel, sand, shingle, ballast, clay or any other material from the bed of the watercourse

Deposit of goods or materials on banks 18 No person shall without the previous consent of the Board use or cause or knowingly suffer to be used any bank or land adjoining any bank or any drainage works for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such manner as by reason of the weight, volume or nature of such rubbish, goods, materials or things to cause damage to or endanger the stability of the bank or any drainage work or interfere with the right of the Board to deposit spoil on the bank in accordance with the provisions of the Act or otherwise to prevent the carrying out of land drainage works.

Damage to banks 19 No person shall:
(a) cut, pare or remove or cause or knowingly suffer to be cut, pared or removed any turf forming part of any bank or any watercourse;
(b) make or cause or knowingly suffer to be made any excavation or do or cause or knowingly suffer to be done anything in or upon any land adjoining any bank of such a nature as to cause damage to or endanger the stability of the bank of any watercourse;
(c) dig for any remove or cause or knowingly suffer

to be dug for or removed any stones, gravel, shingle, chalk, clay, earth, timber or piles or any material whatsoever, forming part of any bank of any watercourse.

20 The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Board by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

Protection of banks

21 No person shall without lawful authority or excuse interfere with any watercourse bank or bridge or building or any structure or appliance or any other property of the Board whatsoever.

Damage to Board's property

22 No person shall deface or remove any notice board, notice or placard or mark put up by the Board

Defacement of notice boards

23 No person shall obstruct or interfere with any officer, agent or servant of the Board exercising any of his duties under these Byelaws.

Obstruction of Officers

24 Nothing in these Byelaws shall:-

Savings

(a) conflict with or interfere with the operation of any Byelaw made by the Anglian Water authority or by a navigation, harbour or conservancy authority but no person shall be liable to more than one penalty, or in the case of a continuing offence, more than one daily penalty in respect of the same offence;

(b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:-

(i) any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act:

(ii) any undertakers for the supply of water to any place;

(iii) British Gas plc

(iv) the Central Electricity Generating Board or any area Board established under the Electricity act 1947;

(v) any navigation, harbour or conservancy authority;

(vi) the British Railways Board with respect to the construction, use or maintenance and repair of any railway property or so as to interfere with the free, uninterrupted and safe use of any railway of the British Railways Board and the traffic thereon and the use by passengers of railway property;

(vii) any local authority

(viii) any highway authority for the purposes of the Highways Act 1980 (as amended by subsequent enactment) in relation to any highway whether or not maintainable at public expense;

(ix) the Anglian water Authority;

(x) the Post Office or any undertaking engaged in the operation of a telecommunications system;

(xi) the British Airports Authority;

(xii) the Civil Aviation Authority;

(xiii) the British Waterways Board;

(xiv) the British Coal Corporation

(c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highest authority;

(d) affect any liability arising otherwise than under or by reason of these Byelaws.

Determination of disputes 25 (a) Where by or under these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board and to comply with any directions of the Board, he may within 21 days after the service of such notice on him give to the Board a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Board the dispute shall, when the person upon whom such notice was served is a drainage authority or local authority be referred to the Minister whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of

the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Board the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw.

(b) Where by or under these Byelaws any person is required by a notice in writing given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Board shall be referred to the Minister whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

26 Where by these Byelaws any person is required to refrain from doing any act without the previous consent of the Board such consent shall not be unreasonably withheld but may be granted subject of such reasonable conditions, if any, as the Board may think necessary and, in the event of any dispute arising between a drainage authority or any local authority and the Board as to whether such consent is unreasonably withheld or whether any condition attached to such consent is unreasonable, such dispute shall be referred to the Minister whose decision shall be final. In any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

27 Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (erection of any structure building or machinery or any cable, wire or pipe on or over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

28 No unauthorised person shall enter upon any land belonging to or in the occupation of the Board and there is displayed on or near the land a notice prohibiting entry if such entry is likely to endanger any person or property.

Trespass on Board's land

29 Any consent, notice or other document required or authorised to be given or served under these Byelaws shall be sufficiently given or served if given in writing under the hand of the Clerk of the Board or other duly authorised officer of the Board and served in the manner provided under section 108 of the Land Drainage Act 1976.

Limitation 30 Nothing in these Byelaws shall authorise the Board to require any person to do any act, the doing of which is not necessary for securing the efficient working of the drainage system of the District or to refrain from doing any act, the doing of which does adversely affect the efficient working of the drainage system of the District.

If any conflict arises between these Byelaws and section 22 of the Water Act 1973, as amended by section 48 of the Wildlife and Countryside Act 1981 (which relates to the Board's duties with regard to the protection of the environment, nature conservation and amenity), the said Act shall prevail.

Revocation of existing Byelaws 31 The Byelaws made by the River Ivel Internal Drainage Board on 22 June 1938 and the Bedfordshire First Internal Drainage Board on 18 May 1939 are hereby revoked.

PENALTY NOTE;

1 By section 34(4) of the Act every person who acts in contravention of, or fails to comply with, any of the foregoing Byelaw shall be liable on summary conviction in respect of each offence to a fine not exceeding TWO THOUSAND POUNDS and a further fine not exceeding FORTY POUNDS for every day on which the contravention or failure is continued after conviction.

2 By section 34(5) of the Act if any person act in contravention of or fails to comply with any of these Byelaws the Board may, without prejudice to any proceedings under subsection (4) of the section, take such action as may be necessary to remedy the effect of the contravention of failure, and may recover the expenses reasonably incurred by them in doing so from the person in default.